

Hon. Mr. W. C. Walker.

NATIVE LAND CLAIMS ADJUSTMENT AND LAWS
AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Appellate Court to hear appeal as to Lot 66, Waipa Survey District.</p> <p>4. Appeals from decision of Appellate Court as to Taheke Block validated.</p> <p>5. Court to ascertain names of beneficial owners of part of Motiti B Block.</p> <p>6. Court to ascertain owners of certain sections, Parish of Waimana.</p> <p>7. Boundaries of Pukehina Block to be determined.</p> <p>8. Pairoa Native Reserve vested in Public Trustee for use of certain tribes.</p> <p>9. Certain provisions applied to Puketotara Native Reserve.</p> <p>10. Court to inquire if any children of Inia Tuhata excluded from certain sections, Ngara West.</p> <p>11. Claim of Maraca Puri to certain sections, Hampden, to be investigated.</p> <p>12. Order determining certain successors in Karamu Native Reserve declared void.</p> <p>13. Court to inquire into ownership on partition of reserves for Natives set aside from Rua-akituri Block.</p> <p>14. Reserve for Ngaitahu Tribe vested in Public Trustee, with power to lease.</p> | <p>15. Repeal. Court to ascertain who were children of Hine Koau, and their shares in certain land.</p> <p>16. Grant of land, Milford Sound, to H. K. Tairaroa authorised.</p> <p>17. Power to adopt recommendation of Judge under section 3, "Native Land Act Amendment Act, 1878."</p> <p>18. As to restrictions imposed on adoption thereof.</p> <p>19. Repeal.</p> <p>20. Section 14, "Native Land Purchases Act, 1892," amended.</p> <p>21. Extending powers of Court under section 14 (10) of "The Native Land Court Act, 1894."</p> <p>22. Aforesaid subsection (10) amended.</p> <p>23. Construction of section 110 of "The Native Land Court Act, 1894."</p> <p>24. Repeals.</p> <p>25. Interest payable in respect of survey liens.</p> <p>26. Extended power as to orders permitting land to be mortgaged.</p> <p>27. When a lessee requires lease to be determined, same may be taken over by Crown.</p> <p>28. Section 10, "Native Land Laws Amendment Act, 1896," amended.</p> <p>29. Conveyances to new trustees exempt from duty.</p> <p>30. Court may vest land in Public Trustee in trust for benefit of Native owners. Schedules.</p> |
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A BILL INTITULED

AN ACT to determine certain Claims and Disputes, and to fulfil certain Contracts and Promises made by or on behalf of the Government, and to amend the Laws in relation to Native Lands. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Native Land Claims Adjustment and Laws Amendment Act, 1899." Short Title.

10 2. In this Act, if not inconsistent with the context,— Interpretation.
 "Court" means the Native Land Court as defined by "The Native Land Court Act, 1894":
 "Appellate Court" means the Native Appellate Court established by the said Act:

“Validation Court” means the Court established by “The Native Land (Validation of Titles) Act, 1893”:

“District Land Registrar” means the District Land Registrar for the district in which the land referred to in each case is situated.

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Appellate Court to hear appeal as to Lot 66, Waipa Survey District.

3. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, *bearing date the eighth day of September, one thousand eight hundred and ninety-six*, on the petition of Anatipa Pukatea and others in reference to the partition of Lot Sixty-six, Waipa Survey District, the Appellate Court is hereby empowered and directed to deal with any appeal which has been lodged against the decision of the Court in making the said partition as if such appeal had been lodged in due time.

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Struck out.

Appeals from decision of Appellate Court as to Taheke Block validated.

4. The decision of the Appellate Court on the rehearing of the Taheke Block shall, so far as relates to the partition of the said block, and to the definition of the shares or interests therein, be deemed to have been a decision of the Court. And all appeals from such decision heretofore lodged with the Registrar of the Court at Auckland, or which shall be so lodged within two months from the date of the passing of this Act, shall, as regards such partition and definition of interests, be deemed valid appeals, and shall be dealt with accordingly.

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Court to ascertain names of beneficial owners of part of Motiti B Block.

5. (1.) The Court is hereby authorised and directed to ascertain who were the one hundred and eighty-seven Natives, referred to in paragraph twelve of the First Schedule to “The Special Powers and Contracts Act, 1886,” whose names were decided upon at a meeting of the Patuwai Tribe, held at Tauranga in February, in the year one thousand eight hundred and eighty-six, as the beneficial owners of the northern portion of Motiti B Block, containing one hundred and sixty-six acres, and being the whole of the land comprised in Volume Forty-six, folio one hundred and eighty-four, of the Land Transfer Register of the Auckland District, and what was the individual share or interest of each person.

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(2.) A duplicate or certified copy of the order of the Court, or of the Appellate Court, under the provisions of this section, shall be deposited with the District Land Registrar for safe custody and reference, as provided by section one hundred and twenty-two of “The Land Transfer Act, 1885.”

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Court to ascertain owners of certain sections, Parish of Waimana.

6. (1.) The Court is hereby directed and authorised to ascertain who are the persons beneficially interested in the lands known as sections numbered one hundred and eighty-three and one hundred and eighty-four, Parish of Waimana, containing one hundred and fifty acres, and in what shares or proportions, and to make orders accordingly.

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(2.) Every order made by the Court under this section shall declare the land the subject thereof to be absolutely inalienable by sale, gift, or mortgage, or by lease for a longer period than twenty-one years.

Boundaries of Pukehina Block to be determined.

7. The Governor may, by Order in Council, confer on the Court jurisdiction to inquire into and determine all questions as to the boundaries of the Pukehina Block, and to adjudicate upon as Native land any land which the Court shall find ought to be included in the

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said block, notwithstanding that the same may have become land of the Crown.

8. (1.) The lands described in the *First* Schedule hereto, known collectively as the *Pariroa* Native Reserve, are hereby vested in the Public Trustee as an estate in fee-simple, and the District Land Registrar is hereby authorised and directed to issue a certificate of title to the Public Trustee accordingly. Such certificate shall declare the lands to be absolutely inalienable.

Pariroa Native Reserve vested in Public Trustee for use of certain tribes.

(2.) The said lands shall thereafter be held in trust by the Public Trustee for the exclusive use and occupation of the members of the *Ngati-tupito* and *Ngati-ringi* Tribes.

(3.) The Court is hereby authorised and directed to ascertain who are the beneficiaries of the said lands, and in what shares and localities they are respectively interested; and the Public Trustee may grant occupation licenses to any of the Natives so found to be beneficially interested according to their respective shares or interests.

(4.) A copy of this Act, and duplicate or certified copies of all orders made from time to time by the Court under the provisions of this section, shall be deposited with the District Land Registrar for safe custody and reference, as provided by section one hundred and twenty-two of "The Land Transfer Act, 1885."

Struck out.

9. The provisions of subsection ten of section fourteen of "The Native Land Court Act, 1894," shall apply to the *Puketotara* Native Reserve (otherwise Sections Three hundred and thirty-four and Three hundred and thirty-five, *Carnarvon*).

Certain provisions applied to *Puketotara* Native Reserve.

10. The Court is hereby empowered and directed to inquire whether any of the children of *Inia Tuhata*, deceased, have been improperly excluded from the ownership of Sections Two and Five, *Ngarara West A*, and Section Eight, *Ngarara West C*; and for the purposes of such inquiry the following provisions shall apply:—

Court to inquire if any children of *Inia Tuhata* excluded from certain sections, *Ngarara West*.

(1.) If the Court finds that any such children have without just cause been excluded as aforesaid, it may order their inclusion in the existing instruments of title for such estate and interest in the said lands as it finds them to be entitled to respectively.

(2.) The District Land Registrar is hereby directed to do all things necessary on his part to give effect to any order of the Court as aforesaid.

(3.) Nothing in this section contained shall prejudice any right or interest in the said lands heretofore acquired for valuable consideration from the persons to whom the Court, on the hearing under "The *Ngarara* and *Waipiro* Further Investigation Act, 1889," awarded the same.

(4.) In apportioning the interests, the Court may take into account any dealings with the said lands by the said last-mentioned persons, and any rents or other moneys received by them in respect thereof, and may make such award as, having regard thereto and to the circumstances of the case, the Court deems equitable.

(5.) No further dealings with the said lands shall be registered pending the result of the inquiry hereby directed.

Claim of Maraea Puri to certain sections, Hampden, to be investigated.

11. Whereas lots numbered twenty-one, twenty-two, thirty-one, and thirty-two, Tikokino Agricultural Reserve, in the Township of Hampden, Land District of Hawke's Bay, containing by admeasurement two hundred and twenty-five acres one rood, were by "The Special Contracts Confirmation Act, 1877," authorised to be granted to Reihana Ikitahi and eight other Natives on payment by them to the Crown for the land at the rate of fifteen shillings per acre: And whereas such purchase-money has been paid by one of the proposed grantees named Maraea Puri (formerly Heketa), who claims, therefore, that the Crown grant should be issued to her alone: Be it therefore enacted as follows:—

The Governor may appoint any Judge of the Court to investigate the claim of the said Maraea Puri, and to report the facts to him, and if he is satisfied that the purchase-money has been wholly contributed by Maraea Puri, and that it is equitable that the title should issue in her name, he may grant the land to her in fee-simple, or he may include in such grant the name of any other person or persons (if any) who may be found to have any equitable title to the land, and such persons shall hold the land as tenants in common in such shares as the Governor shall direct.

Order determining certain successors in Karamu Native Reserve declared void.

12. In order to carry out the recommendation of the Native Affairs Committee of the Legislative Council on the petition (No. 4, 1898) of the Honourable Henare Tomoana, the order of the Native Land Court dated the twelfth day of September, one thousand eight hundred and ninety-five, determining successors to Te Haumihiata Pateriki in the Karamu Native Reserve, is (notwithstanding the subsequent affirmation thereof by the Native Appellate Court) hereby declared void, and the application of Pateriki Ngamotu to the Court to determine the said successors shall be deemed to be still subsisting, and shall, with all other applications hereafter made, be dealt with accordingly.

Court to inquire into ownership on partition of reserves for Natives set aside from Ruakituri Block.

13. Whereas on the sale to the Crown of the Ruakituri Block, situated in the Poverty Bay Land Registration District, the reserves enumerated in the *Second* Schedule hereto were reconveyed by the Crown each to the whole of the persons theretofore declared by the Court to be the owners (hereinafter called "the vendors") of the said block: And whereas it is now alleged that, according to the understood conditions of the sale aforesaid, each reserve should have been reconveyed in accordance with family and hapu interests and occupation, and not to the whole of the vendors indiscriminately: And whereas it is further alleged that the persons declared by the Court to be the owners of the said block were not the whole of the persons so entitled: And whereas it is expedient that the Court should be empowered to rearrange the ownership of each reserve on a basis which will more equitably conserve the interests of all persons found to be beneficially interested:

Be it therefore enacted as follows:—

(a.) On application being made to the Court for partition of the said reserves, or any of them, the provisions of section fifty-two of "The Native Land Laws Amendment Act, 1895," shall apply as if such lands were still held under orders of the Court on original investigation of title, and had not become the subject of Crown grants or Land Transfer certificates of title.

(b.) The Court may, on such partition, include as owners of the said lands, or any of them, any persons, or the representatives of any persons deceased, who, in the opinion of the Court, were inadvertently and without intention on the part of the Court omitted from the list of owners of the said block on the investigation of the title thereto: Provided that no claim shall be admitted under the provision aforesaid except such as is consistent with the finding of the Court on the original investigation of title.

(c.) The District Land Registrar shall do all things necessary on his part to give effect to any order of the Court under the foregoing provisions, and may for that purpose cancel any existing certificate of title and issue such other certificates of title under the provisions of the Land Transfer Act as may be necessary or expedient.

Struck out.

14. (1.) Sections Eleven, Twelve, and Thirteen (Ellesmere Reserve), in Block Ten, Halswell Survey District, Canterbury Land District, containing one hundred and sixty-six acres one rood and eleven perches, which were reserved by section twenty of "The Reserves Disposal and Exchange Act, 1895," for the use of the aboriginal natives of the Ngaitahu Tribe for fishing and other purposes, are hereby vested in the Public Trustee for an estate in inheritance in fee-simple as a Native reserve for the use and benefit of such Natives of the Ngaitahu Tribe as the Court shall, on the application of the Public Trustee or any person claiming to be interested, determine.

(2.) The Public Trustee may lease any portions of the said reserve for any term not exceeding twenty-one years, in such manner and subject to such covenants and conditions as he shall think fit. The annual rents and proceeds of the said reserve shall be held by the Public Trustee, to be distributed by him for the physical, social, and moral benefit of the Natives individually and collectively interested therein, and the relief of such of them as are poor or distressed.

(3.) Any rent or sums of money accrued in respect of the said reserve since the first day of November, one thousand eight hundred and ninety-five, shall be paid to the Public Trustee, to be dealt with as hereinbefore provided. The District Land Registrar shall register the Public Trustee as the proprietor of the said sections without any further or other authority than this Act.

15. (1.) The first sub-paragraph in the second column of paragraph forty-two of the First Schedule to "The Special Powers and Contracts Act, 1886," and the Crown grant issued to Andrew Moore under the provisions thereof, are hereby repealed.

(2.) The Court is hereby authorised and directed to ascertain who were the children of Hine Koau, deceased, wife of the said Andrew Moore, surviving on the eighteenth day of August, one thousand eight hundred and eighty-six, and to allocate to each of them such share and interest as may be deemed equitable in the land known as Section Fifty-four, Block Five, Hawksbury District, in the Provincial District of Otago.

(3.) Every order of the Court, or of the Appellate Court, made under the provisions of this section shall vest the land as from the

Reserve for Ngaitahu Tribe vested in Public Trustee, with power to lease.

Repeal.

Court to ascertain who were children of Hine Koau, and their shares in certain land.

eighteenth day of August, one thousand eight hundred and eighty-six, subject to any previous or subsequent lawful dealings therewith by the said Andrew Moore under the Crown grant hereby repealed.

(4.) Every such order shall declare the land to be absolutely inalienable by sale, gift, or mortgage, or by lease for a longer period than twenty-one years. 5

Grant of land, Milford Sound, to H. K. Taiaroa authorised.

16. Whereas on the purchase by the Crown of certain land, known as the "Murihiku" Block, there was awarded by Mr. Commissioner Mantell to one Taiaroa (father of the Hon. H. K. Taiaroa) an area of one hundred acres of land at Milford Haven, but, owing to difficulties that arose, it was afterwards found to be impossible to give effect to the award, and the claim has never been satisfied, but the land in question is now available: Be it therefore enacted as follows:— 10

The Governor may, after survey, grant to Hon. Hori Kerei Taiaroa an area of one hundred acres of land at Anita Bay, Milford Sound, to be laid off in conformity with "The Land Act, 1892," provided that he shall first of all agree in writing to accept the same in full satisfaction of all claims and demands under the aforesaid award. 15

Struck out.

Power to adopt recommendation of Judge under section 3, "Native Land Act Amendment Act, 1878."

17. Where any recommendation has been made to the Governor by a Judge of the Court under the provisions of section three of "The Native Land Act Amendment Act, 1878," the Governor may, notwithstanding the repeal of the said Act, either adopt or decline to adopt such recommendation, and, in case of adoption, may impose restrictions accordingly, or may, apart from such recommendation, impose such other restrictions on the alienability of the land the subject of such recommendation as to him shall seem necessary or expedient. 20 25

As to restrictions imposed on adoption thereof.

18. Every restriction so imposed shall take effect as from the date of such recommendation, and shall be deemed to have been incorporated in any instrument of title issued on the original order of the Court ascertaining the title to such land: Provided that no such restriction shall invalidate any dealing with the said land which may have been effected in accordance with law prior to the imposition of such restriction. 30 35

Repeal.

19. Paragraph forty-one of the First Schedule to "The Special Powers and Contracts Act, 1886," is hereby repealed.

Struck out.

Section 14, "Native Land Purchases Act, 1892," amended.

20. The words "an alienation" are hereby substituted for the words "a sale" in section fourteen of "The Native Land Purchases Act, 1892." 40

Extending powers of Court under section 14 (10) of "The Native Land Court Act, 1894."

21. (1.) The provisions of subsection ten of section fourteen of "The Native Land Court Act, 1894," shall apply to all lands held by Natives under grant from the Crown, other than such lands as are by the said subsection expressly excepted from the operation thereof. 45

(2.) The Court, in exercising jurisdiction under the said subsection, shall, as part of the inquiry thereby authorised, proceed to determine the relative interests of the persons whom it shall find entitled to be included in the ownership of any land, whether as original owners or otherwise, and may, at its discretion, afterwards proceed to partition any such land, and to determine and allocate all claims to land based on any alienation theretofore confirmed. 50

(3.) Every partition or determination of relative interests heretofore made by the Court in the course of any inquiry under subsection

ten aforesaid shall be as valid as if made after the passing of this Act.

22. Subsection ten of section fourteen of "The Native Land Court Act, 1894," is hereby amended by the insertion of the words "unless an insufficiently defined trust is expressed in the Crown grant or other instrument of title" after the words "statutory provision" in the last proviso thereof.

Aforesaid subsection (10) amended.

23. Section one hundred and ten of "The Native Land Court Act, 1894," shall be read subject to section fifty-four of the same Act, and the provisions of the last-mentioned section shall apply to instruments registrable under "The Chattels Transfer Act, 1889," in the same manner as to instruments effecting an alienation of land.

Construction of section 110 of "The Native Land Court Act, 1894."

24. (1.) Section eighty-six of "The Native Land Court Act, 1894," is amended by omitting the words "at any time before the expiration of twenty-one days."

Repeals.

(2.) Section forty-four of "The Native Land Laws Amendment Act, 1895," is hereby repealed.

25. No more than five years' interest, at the rate of five per centum per annum, shall be recoverable in respect of any survey lien or charging order, or mortgage obtained in pursuance thereof, whether the same was created before or after the passing of "The Native Land Court Act, 1894," such interest to be computed from the date at which the principal sum became actually due and payable.

Interest payable in respect of survey liens.

26. Subject to the provisions contained in section four of "The Native Land Laws Amendment Act, 1895," the Governor in Council, when making an order under the said section four for the purpose of permitting land to be mortgaged by the Native owner thereof, may except the said land from the operation of sections five and six of the said Act, or of any other enactment in force in New Zealand relating to Native lands or lands owned by Natives, so that the owner thereof may mortgage the same as fully and effectually and confer the same power of sale as if the land comprised in the mortgage were lawfully owned by a European: Provided always that such Native owner is lawfully married to a European at the time of the making of such order.

Extended power as to orders permitting land to be mortgaged.

27. When notice shall be given to the Minister of Lands by any lessee under section seventy of "The Native Land Laws Amendment Act, 1895," requiring a lease to be determined as therein mentioned, the Governor may, by Order in Council, in lieu of determining such lease, order that the same shall be taken over by and vested in the Crown. And upon the gazetting of such Order in Council such lease shall pass to and become vested in Her Majesty for all the residue thereof as if an assignment of such lease to Her Majesty had been duly made and executed by all necessary parties; subject, nevertheless, to the payment of compensation where payable, as in the said section is provided.

When a lessee requires lease to be determined, same may be taken over by Crown.

Struck out.

28. Section ten of "The Native Land Laws Amendment Act, 1896," is amended by the insertion of the words "or on any subsequent partition thereof" after the words "Native land."

Section 10, "Native Land Laws Amendment Act, 1896," amended.

29. The exemption from certain duties which by section two of "The Native Land Laws Amendment Act, 1898," is provided for in the case of any conveyance or transfer of Native land by way of trust as mentioned in that section, is hereby extended, and shall be deemed to have extended, to the case of any conveyance or transfer of the

Conveyances to new trustees exempt from duty.

Court may vest land in Public Trustee in trust for benefit of Native owners.

trust property from the original trustee to any new trustee, and that section shall operate and be deemed to have operated as if every such new trustee were the original trustee.

30. (1.) The Court may, on the application of any Natives interested, vest any block of land in the Public Trustee for the purpose of being administered by him in trust for the benefit of the Native owners on such conditions as may be agreed to between the parties: Provided that the Court is satisfied that a majority of the whole of the Native owners consent, and that it will tend materially to their benefit.

(2.) Every order of the Court vesting land in the Public Trustee as aforesaid shall entitle him to be registered as the proprietor thereof under the Land Transfer Act, and shall set out the conditions of the trust: Provided that the Court may from time to time, with the consent of the parties, at any subsequent sittings of which due notice shall be given under the rules of the Court, vary such conditions.

(3.) Every such order and variation as aforesaid shall be published in the *Gazette* and *Kahiti*, and shall, with a certified list of the whole of the owners and the trustees appointed by the Court in respect of owners under disability, be deposited with the District Land Registrar as a notice of trust, as provided by section one hundred and twenty-two of "The Land Transfer Act, 1885."

(4.) All subsequent dealings with the land by the Public Trustee in pursuance of such trust may be registered as dealings under the Land Transfer Act in the usual manner, or in such other manner as the Registrar-General of Lands may in any particular case prescribe.

SCHEDULES.

FIRST SCHEDULE.

Description of the Pariroa Native Reserve.

Section 8.

ALL that parcel of land in the Taranaki District, containing by admeasurement 29 acres, more or less, being Section No. 488, Patea District, Carlyle Survey District.

All that parcel of land in the Taranaki District, containing by admeasurement 43 acres, more or less, being Section No. 489, Patea District, Carlyle Survey District.

All that parcel of land in the Taranaki District, containing by admeasurement 66 acres 2 roods, more or less, being Section No. 503, Patea District, Carlyle Survey District.

All that parcel of land in the Taranaki District, containing by admeasurement 67 acres and 14 perches, more or less, being Section No. 547, Patea District, Carlyle Survey District.

SECOND SCHEDULE.

Section 13.

RESERVES FOR NATIVES OUT OF THE SALE TO THE CROWN OF THE RUAKITURI BLOCK.

| | A. | R. | P. |
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| Whataroa | 1,001 | 0 | 0 |
| Rimuroa | 416 | 2 | 0 |
| Makareao | 202 | 2 | 0 |
| Okare | 188 | 0 | 0 |
| Ngaiapu | 20 | 1 | 0 |
| Raupo | 96 | 1 | 0 |
| Tapatangata | 20 | 0 | 0 |
| Tarake | 324 | 0 | 0 |
| Matakuhia | 400 | 3 | 30 |
| Paraumu | 100 | 0 | 0 |
| Oriwha | 300 | 0 | 9 |
| Waikatea | 100 | 2 | 24 |